



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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(not for service)

June 2, 2020

**BY ECF**

Hon. Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

Re: Berger v. Wang, et al.,  
19 CIV 6229 (JMF)(KNF)

Dear Judge Furman:

I am the Assistant Corporation Counsel assigned to represent Defendants City of New York, Anna Wang, Theresa Castelli, Shelley Kirshenbaum, and Anthony Akinduro (together, "City Defendants") in this action concerning a child removal by the New York City Administration for Children's Services ("ACS"). I write on consent with counsel for Plaintiffs and the Hospital Defendants to respectfully request that the parties receive an extension of time of six days, until June 8, 2020, to submit the proposed infant compromise order and supporting papers.

On May 29, 2020, Defendants requested additional time to submit the infant compromise order and supporting papers (dkt. no. 55). Later that evening, Plaintiffs' counsel submitted a proposed order. However, Defendants had not consented to that order, or to any of the proposed orders filed subsequently. Yesterday, the Court denied Defendants' motion for an extension without prejudice and ordered Defendants to submit objections to the proposed infant compromise order by today (dkt. no. 57).

The parties have exchanged and negotiated draft language on the proposed infant compromise order since Friday, May 29, 2020. However, one aspect of the infant compromise order remains unresolved and requires further factual investigations by this Office. Specifically, there is an issue concerning the possible waiver of liens by New York City's Department of Social Services and whether that possible waiver applies to the infant Plaintiffs. Although the parties have been negotiating in good faith, it appears there had been a misunderstanding in how

each party had interpreted a letter sent from New York City's Human Resources Administration, and that this has led to the current impasse. I spoke with Plaintiffs' counsel Carolyn Kubitschek this afternoon and I believe we now understand one another's position better than we had previously, and both parties are hopeful this can be resolved.

Accordingly, Defendants respectfully request that all parties' time to submit a proposed infant compromise order and supporting papers be extended until June 8, 2020, and we thank the Court for its patience as we work to resolve this outstanding issue.

Thank you for your consideration of this request.

Respectfully,

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s/

Elizabeth Edmonds  
Assistant Corporation Counsel

Application GRANTED, and the proposed deadline is adopted. The Clerk of Court is directed to terminate ECF No. 61. SO ORDERED.

A handwritten signature in black ink, appearing to be "J. M. [unclear]", written in a cursive style.

June 3, 2020